

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Attorney General Jon Bruning commended Lowell Johnson and presented him with a plaque in appreciation of his dedicated years of public service.

Notice was duly published January 31, 2006 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 7, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Monday, February 13, 2006:

LB 1208 State Capitol, Room 1525.
1:30 LB 1208 (Distance education)

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

AD-334r In the Matter of CT Livestock Freight, Omaha, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3522 In the Matter of the Hemingford Cooperative Telephone Company, Hemingford, seeking authority to issue long-term indebtedness: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3527 In the Matter of KMC Data, LLC, Bedminster, New Jersey, seeking authority to complete a series of transactions resulting in the transfer of control of Hypercube, LLC, Bedminster, New Jersey: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3523 In the Matter of the Qwest Corporation, Denver, Colorado, seeking triennial review order and triennial review remand order amendment to the interconnection agreement with ICG Telecom Group, Inc., Englewood, Colorado, previously granted in Docket C-2735: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order to approve the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3525 In the Matter of the Qwest Corporation, Denver, Colorado, seeking an amendment to the interconnection agreement with VCI Company dba Vilaine Communications, Inc., Lakewood, Washington, previously granted in Docket C-3458: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order to approve the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3526 In the Matter of the Qwest Corporation, Denver, Colorado, seeking an amendment to the master services agreement with VCI Company dba Vilaine Communications, Inc., Lakewood, Washington, previously granted in Docket C-3458: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order to approve the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund. Gene Hand informed the Commission that the City of Chappell filed their "Project Impact" report.

Following discussion and review, motion was made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to file an ex parte with the Federal Communications Commission (FCC) concerning the pending state petitions for delegated authority in response to the National Telecommunications Cooperative Association (NCTA) ex parte filed with the FCC on January 25, 2006, in CC Docket No. 99-200. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND

NUSF-37.66 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, vs. BullsEye Telecom, Inc., Defendant. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to sustain the complaint and assess an administrative fine. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to amend the current complaint NUSF-37.76 against BullsEye Telecom to include the late-filed December, 2005 worksheet; to amend the current complaint NUSF-37.78 against Trinsic Communications to include the late-filed December, 2005 worksheet and, to open a complaint against Touch 1 Communications, Inc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E911 DEPARTMENT

WSP-007.1 In the Matter of Qwest Wireless, L.L.C., Denver, Colorado, seeking approval for funding from Enhanced Wireless 911 Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to dismiss the previous order requiring information entered on January 18, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP- In the Matter of Stanton County PSAP, Stanton, seeking
GISD- approval of funding for development of GIS data: Motion
039 made by Commissioner Jerry Vap, seconded by Commissioner
Anne Boyle, to grant \$23,627 for base map development and
MSAG comparison and \$6,300 for annual GIS maintenance. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis and Jerry Vap voting AYE.

Joan Raffety informed the Commissioners that a workshop regarding the GIS Repository was scheduled for March 21, 2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

NG-0033 In the Matter of RnD Energy, LLC, Boulder, Colorado, seeking authority as a Competitive Natural Gas Provider in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant an order of Intervention and Notice of Assessment. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Landis was appointed Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0034 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking authority for Gas Cost Adjustment "Fixed Price Option Pilot Program" for residential customers in all Aquila rate areas in the state of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant an order of Intervention and Notice of Assessment. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Hearing Officer designation was changed from Commissioner Rod Johnson to Commissioner Landis. Laura Demman reported on a Planning Conference held February 6, 2006, and an order prepared for approval by Hearing Officer Landis scheduling a hearing for February 23, 2006, at 2:30 p.m. in the Commission Hearing Room, Lincoln.

Laura Demman reported on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #165 Regulations, to add rules for designating eligible telecommunications carriers in Nebraska for the purpose of receiving federal universal service support: Shana Knutson informed the Commission that the rules were approved and returned by the Attorney General's Office on February 3 and will be forwarded to the Governor for approval.

LEGISLATIVE REPORT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the staff recommendations to support LB 840, LB 1192, and LB 1208 and remain neutral on LB 1197. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Angela Melton reported on the status of other legislation.

TRANSPORTATION DEPARTMENT

B-1628, In the Matter of OMALINK, Inc., Lincoln, seeking to extend
Supp. 1 its authority as follows: Supp. 1: Transportation of
Supp. 2 passengers and their baggage in limousine service between
 points in Lancaster County, on the one hand, and, on the
other hand, points in Nebraska over irregular routes. RESTRICTION:
The transportation of railroad train crews and their baggage is not
authorized. Supp. 2: Transportation of passengers and their baggage

TRANSPORTATION DEPARTMENT (Cont.)

B-1628 Continued:

points in Lancaster County, on the one hand, and, on the other hand, points in Douglas County. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to schedule a hearing for May 24 and May 25, 2006, at 9:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed Hearing Officer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Rate Division

BR-309 In the Matter of Berniklau Education Solutions, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the application as amended. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 56 cents per mile.

Commissioner Rod Johnson left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2901 In the Matter of J. D. Heiskell Holdings, Inc., Elkhorn, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2006. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioner Johnson returned to the Commission Hearing Room, Lincoln.

GD-2704 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-411 Department, Complainant v. Riada Trading Co., Inc.,
Wichita, Kansas, Defendant: John Fecht advised the Commission that a complaint has been filed.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2868 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-412 Department, Complainant v. Farmers Cooperative Elevator
Company, Hemingford, Defendant: John Fecht advised the
Commission that a complaint has been filed.

GD-2882 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-413 Department, Complainant v. Grain Millers Incorporated, Eden
Prairie, MN, Defendant: John Fecht advised the Commission
that a complaint has been filed.

GDC-414 In the Matter of John A. Fecht, Director, Grain Warehouse
Department, Complainant, v. Integrated Ag. Management,
LLC., Scandia, KS, Defendant: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Frank Landis, to file a Complaint, enter an
order to Show Cause and schedule a hearing for April 4, 2006 at 1:30
p.m., in the Commission Hearing Room, Lincoln. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis
and Jerry Vap voting AYE. Commissioner Vap appointed Hearing Officer.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Anne Boyle, to grant authorization for Gene Hand and Commis-
sioners Boyle and Rod Johnson to attend the Qwest Regional Oversight
Committee (ROC) meetings to be held in Scottsdale, Arizona, from March
27-29, 2006. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson and Jerry Vap voting AYE, and Commissioner Frank
Landis voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Frank Landis, to approve the following Commission invoices.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis and Jerry Vap voting AYE.

Department of Corrections	\$ 2,375.00
Ted Burkey	1,005.00
Robert Bowman	1,050.46
Fred Massing	1,082.12
Kent Pribyl	714.35
Anne Boyle	480.60
Lowell Johnson	188.72
Rod Johnson	533.12

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	665.00
B Hear	224.95
Belton Hearing Aid Center	3,070.00
Bosler Hearing Aid Center	320.85
Hamilton Telecommunications	929.60

GENERAL ADMINISTRATION (Cont.)

Harris Communications	\$	501.45
Hearing Aid Specialists		1,123.85
Hearing Clinic Inc		865.00
Carl A. Johnson		781.10
K-D Communications		4,909.25
Professional Hearing Aid Services		1,689.65
Sherard Hearing Aid Center		1,187.55
Teltex		493.30
Weitbrecht Communications		2,759.85

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant authorization for Jeff Pursley and Gene Hand to extend their attendance at the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC through February 15, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission went into closed session at 10:49 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 11:01 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation on a personnel matter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 11:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on Wednesday, February 22, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on Tuesday, February 21, 2006.

Chairman

Executive Director